

215

REGULAR WEEKLY SESSION-----ROANOKE CITY COUNCIL

September 7, 2004

9:00 a.m.

The Council of the City of Roanoke met in regular session on Tuesday, September 7, 2004, at 9:00 a.m., the regular meeting hour, in the Emergency Operations Center Conference Room, Room 159, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, Virginia, with Vice-Mayor Beverly T. Fitzpatrick, Jr., presiding, pursuant to Chapter 2, Administration, Article II, City Council, Section 2-15, Rules of Procedure, Rule 1, Regular Meetings, Code of the City of Roanoke (1979), as amended, and pursuant to Resolution No. 36193-010603 adopted by Council on January 6, 2003, which changed the time of commencement of the regular meeting of Council to be held on the first Monday in each month from 12:15 p.m. to 9:00 a.m., and pursuant to Resolution No. 36762-070604 adopted by Council on Tuesday, July 6, 2004, which established the meeting schedule for the fiscal year commencing July 1, 2004 and ending June 30, 2005.

PRESENT: Council Members Brian J. Wishneff, M. Rupert Cutler, Alfred T. Dowe, Jr. (arrived late), Beverly T. Fitzpatrick, Jr., Sherman P. Lea, Brenda L. McDaniel, and Mayor C. Nelson Harris (arrived late.)-----7.

ABSENT: None-----0.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

COMMITTEES-CITY COUNCIL: A communication from Mayor C. Nelson Harris requesting that Council convene in a Closed Meeting to discuss vacancies on certain authorities, boards, commissions and committees appointed by Council, and to interview applicants for vacancies on the Roanoke Redevelopment and Housing Authority, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended, was before the body.

Mr. Cutler moved that Council concur in the request to convene in Closed Meeting as above described. The motion was seconded by Mr. Lea and adopted by the following vote:

AYES: Council Members Wishneff, Cutler, Lea, McDaniel and Vice-Mayor Fitzpatrick-----5.

NAYS: None-----0.

(Mayor Harris and Council Member Dowe were not present when the vote was recorded.)

CITY COUNCIL: A communication from the City Manager requesting that Council convene in a Closed Meeting to discuss disposition of publicly-owned property, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to §2.2-3711 (A)(3), Code of Virginia (1950), as amended, was before the body.

Mr. Cutler moved that Council concur in the request to convene in Closed Meeting as above described. The motion was seconded by Ms. McDaniel and adopted by the following vote:

AYES: Council Members Wishneff, Cutler, Lea, McDaniel and Vice-Mayor Fitzpatrick-----5.

NAYS: None-----0.

(Mayor Harris and Council Member Dowe were not present when the vote was recorded.)

At 9:10 a.m., the Vice-Mayor declared the meeting in recess for one interview for a vacancy on the Roanoke Redevelopment and Housing Authority, to be held in the Council's Conference Room, Room 451, Noel C. Taylor Municipal Building. (Council Member Dowe entered the meeting during the Closed Session.)

At 9:40 a.m., the Council meeting reconvened in Room 159, with all Members of the Council in attendance, except Mayor Harris.

ITEMS LISTED ON THE 2:00 P.M., COUNCIL DOCKET REQUIRING DISCUSSION/CLARIFICATION, AND ADDITIONS/DELETIONS TO 2:00 P.M., AGENDA: NONE.

TOPICS FOR DISCUSSION BY THE MAYOR AND MEMBERS OF COUNCIL:

COUNCIL-SCHOOLS: The following items were suggested for discussion at the joint meeting of Council and the Roanoke City School Board on Monday, November 1, 2004, at 9:00 a. m.:

- Status report on new School leadership.
- After school programs, specifically programs in the middle schools.
- School safety.
- School uniforms.

COUNCIL-HOUSING/AUTHORITY: The following items were identified for discussion at the joint meeting of Council and the Roanoke Redevelopment and Housing Authority on Thursday, October 7, 2004, at 12:00 noon:

- Memorandum of Understanding between City Council and the Redevelopment and Housing Authority.
- Overview of the Henry Street Program/TAP, The Dumas, The Roanoke Higher Education Center, and the Culinary Institute.

Council Member Cutler suggested a review of the job descriptions of the City's Director of Housing and Neighborhood Services and the Executive Director of the Roanoke Redevelopment and Housing Authority; whereupon, the City Manager advised that an executive search firm has been retained by the City to identify candidates for the position of Director of Housing and Neighborhood Services; and any discussion that the Council and the Housing Authority might have with regard to the roles of the two positions would not impact the City's selection of a person to fill the vacancy, but would address day-to-day integration of activities. The City Manager concurred that in selecting a person to fill the position of Director of Housing and Neighborhood Services, there should be level of understanding concerning the relationship of the two positions.

Council Member Cutler inquired if there is a relationship between the City and the Housing Authority regarding the Cradle to Cradle housing program; whereupon, the City Manager advised that the housing design competition will involve construction of homes on some City owned and some Redevelopment and Housing Authority owned properties, which is a separate issue and will be accomplished using resources of both the City and the Housing Authority, all proposed sites for the housing design competition are not intended to be strictly low to moderate income sites, and it is hoped to include some market rate sites. She added that some private individuals have offered to make properties available for the project, and the Cradle to Cradle project is a separate activity that has not involved the Housing Authority to any great extent.

Question was raised as to the status of the Cradle to Cradle project; whereupon, the City Manager advised that Council was provided with written information some time ago seeking guidance and/or support of the City's proposed financial contribution, and not hearing from any Member of Council to the contrary, action was taken to use Community Development Block Grant funds for the initial phase of the project; actual housing design competition will be judged in the City of Roanoke in mid-January 2005, and an allocation will be made for construction of the homes during the second phase of the project. She further advised that during the summer of 2005, following completion of the spring semester, arrangements will be made with various colleges and universities in the area to house many of the young people who will participate in the building effort.

The City Manager advised that City staff/RRHA staff recently met with officials of the State Office of the Department of Housing and Urban Development (HUD) and the Virginia Housing Authority, and a meeting is scheduled in the near future with the Virginia Department of Housing and Community Development to articulate issues of importance to the community in regard to housing challenges and diversity and the need for assistance and support in addressing those issues; there has been an indication that certain additional resources will be directed toward helping the City to solve some of the existing problems; and preliminary discussions have taken place regarding a pilot mixed income project in the City of Roanoke. She stated that it is anticipated that the City's strategic housing plan itself will identify certain specific strategies that the Council will be requested to adopt and identify specific areas in the City where direct action is needed in order to cause housing changes to occur within those communities.

Question was raised as to the best way to involve Roanoke County and other surrounding jurisdictions with regard to providing low and moderate income housing; whereupon, the City Manager advised that there needs to be a community conversation, and if the City of Roanoke attempts to convene a conversation among the jurisdictions on the issue, such could be viewed as the City trying to get other jurisdictions to share its problems. She stated that she has attempted, without success, to identify an entity that would be willing to initiate the discussion. The City Manager called attention to a conversation with the Governor of Virginia and others in which she suggested that there must be more incentives at the State level in order to address not only the housing issue, but transportation and funding of arts and cultural organizations, etc.; as a highly developed urban community, Roanoke is the magnet for those persons who are in the greatest need of services; and the City of Roanoke should be proud of the fact that it provides services to those in need, but it should not be the City's responsibility to provide services for the entire Roanoke Valley region. She added that the City of Roanoke's continued involvement in the Virginia First Cities Coalition is key to ensuring that certain discussions take place at the State level and she encouraged the Members of Council, in their roles with the Roanoke Valley Allegheny Regional Commission and the Roanoke Valley Leadership Summit, to initiate individual conversations with their peers.

There was discussion in regard to items to be discussed at the 12:00 p.m., meeting with Congressman Goodlatte; whereupon, the City Manager suggested that the Roanoke River Flood Reduction project and efforts by the City, with Congressman Goodlatte's assistance, to retain the Social Security Administration office within the City of Roanoke should be discussed. She added that the First Street Bridge and the availability of Federal funds for the project should also be discussed to ensure that Congressman Goodlatte is comfortable with any decision made by the Council regarding whether or not the bridge will be pedestrian or vehicular.

The Mayor entered the meeting.

BRIEFINGS:

First Street Bridge

BRIDGES: The City Manager introduced a briefing on the First Street Bridge project. She advised that preservationist architects were contacted to look at the possibility of retaining some of the original elements of the bridge, which involves various options and costs; whereupon, she called upon Philip C. Schirmer, City Engineer, for a detailed briefing.

Mr. Schirmer advised that:

Council approved concept plans for a replacement bridge carrying vehicles and pedestrians in February 2003, and plans are "bid ready."

A citizens committee was formed to study the Dr. Martin Luther King, Jr., Memorial in December, 2003.

Recommendations of the committee were presented to Council in June 2004.

Concern was expressed for historic preservation of the Bridge.

A Federal funding opportunity has become known.

A number of issues need to be reviewed; i.e.: intended use of the bridge.

Whether or not the bridge will support pedestrians or vehicles is a critical issue to be decided because loading for pedestrian use is heavier than vehicular use, therefore, if the bridge is to be used for festival events where large numbers of people will assemble, it will be necessary to design the bridge for that purpose.

Other design issues to be considered are approach grades which are the areas that lead up to the bridge; what are the desired features to be incorporated into the bridge; i.e.: separate pedestrians from traffic, improved lighting, features to be connected to the bridge, to the rail walk, to the Gainsboro Parking Garage, etc.; and since the bridge will be located over an operating rail track, it will be necessary to design and construct a bridge that will not interfere with rail operations.

The City Engineer reviewed the following alternate designs:

Alternate A – Restore the bridge for restricted pedestrian use

- Total bridge restoration with the removal of the existing cantilever walkway.
- Utilize as many of the existing bridge members as possible; member rehabilitation as compared to replacement.
- No vehicular traffic.
- Separate construction of handicap access and permanent stairs to the Gainsboro Parking Garage.
- Separate retrofitting for ornamental lights.
- Total estimated project cost: \$2.1 million (includes bridge restoration, handicap access and permanent stairs to the Gainsboro Parking Garage, railroad flagging, and relocation of the railroad signal)*

Alternate B – Restore the existing bridge for unrestricted pedestrian use

- Major bridge rehabilitation to unrestricted pedestrian usage.
- Reduced use of the existing bridge members; member replacement (in keeping with the historical appearance) as compared to rehabilitation.
- No vehicular traffic.
- Separate construction of handicap access and permanent stairs to the Gainsboro Parking Garage.
- Separate retrofitting for ornamental lights.
- Total estimated project cost: \$2.2 million (includes major bridge rehabilitation, handicap access and permanent stairs to the Gainsboro Parking Garage, railroad flagging, and relocation of the railroad signal)*

Alternate C – Replace the bridge and approaches for one lane of traffic and unrestricted pedestrian use

- New bridge structure with a truss span that has the appearance of the old truss.
- One-lane vehicular traffic.
- Defined sidewalk for pedestrians.
- Bridge will be capable of additional memorials to Dr. King.
- Includes handicap access and permanent stairs to the Gainsboro Parking Garage.
- Total estimated project cost: \$2.4 million (This is as designed and bid ready)*

Alternate D – Restore Truss Span and Replace Approaches for One Lane of Traffic and Unrestricted Pedestrian Use

- New bridge structure with a major rehabilitated truss span.
- One-lane vehicular traffic.
- Defined sidewalk for pedestrians.
- Bridge will be capable of additional memorials to Dr. King.
- Includes handicap access and permanent stairs to the Gainsboro Parking Garage.
- Total estimated project cost: \$2.9 million

Project Funding:

City of Roanoke Capital Funds

Total Appropriations \$ 2,252,357.00

Expended to Date \$ 267,830.00

Available Balance \$ 1,984,527.00

Federal Funding:

\$497,050.00 which is limited to use for a bridge carrying vehicular traffic

Requires substantial environmental and cultural reserve review and approval by State and Federal agencies.

Estimated to be completed in an 8 – 12 month time line.

All approvals are required prior to beginning construction.

(As currently designed & bid)

	<u>Alt. A</u>	<u>Alt. B</u>	<u>Alt. C.</u>	<u>Alt. D</u>
Historical Preservation	Yes	Yes	No	Partial
Qualifies for Federal Money	No	No	Yes	Yes
Pedestrian Restrictions	Yes	No	No	No
One-Lane Vehicular Traffic	No	No	Yes	Yes
Dr. Martin Luther King, Jr. Memorial Implementation	Limited	Limited	Full	Full
Total Project Cost*	\$2.1 million	\$2.2 million	\$2.4 million	\$2.9 million

*Prices do not include Dr. Martin Luther King, Jr. memorial features and design costs

Available funding: \$2.0 million in City funds, \$500,000.00 in Federal funds

Martin Luther King, Jr. Memorial Approximate Cost of Features:

Statue	100,000.00 – \$ 150,000.00
Medallions at Bridge Entrance (4)	10,000.00
Audio–Visual Stations (4)	20,000.00
Observation Platforms	25,000.00 – 30,000.00
Benches (4)	2,800.00
Trash Receptacles (4)	2,400.00
Park Lighting	75,000.00 – 90,000.00
Park Landscaping	30,000.00 – 35,000.00
Subtotal	265,000.00– 340,200.00
Stair– Elevator Tower	200,000.00 – 225,000.00
Total	\$465,000.00 – 565,200.00

The City Engineer advised that none of the estimates include any of the features of the Martin Luther King Memorial, which would be added over and above.

In summary, he stated that Alternate A provides some aspect for preservation, restoration of the bridge, does not qualify for Federal money because it is not recommended to reopen to vehicular traffic, pedestrian restrictions for assembly and festival-type uses on the bridge, could accommodate vehicular traffic, limited opportunity for memorial implementation for Dr. King, medallions would be installed at the bridge entrance, at an estimated cost of \$2.1 million. He stated that Alternate B would improve the bridge to allow unrestricted pedestrian assembly, accommodate vehicular traffic and is estimated at approximately \$2.2 million; Alternate C provides for a new structure, qualifies for Federal money, no restrictions on pedestrian use, would accommodate vehicles in one direction and is currently designed to be southbound, would accommodate any of the memorials that would be selected for Dr King, at an estimated project cost of \$2.4 million; and Alternate D is the

hybrid and is, in essence, the same as Alternate C, except that some of the trusses will be replaced and the bridge would be a renovated structure.

During a discussion of the above referenced alternates, the observation was made by a Member of Council that it is a policy decision of Council on as to whether the bridge will be one lane of vehicular traffic, or a no vehicular traffic bridge. Question was raised as to whether the Roanoke Redevelopment and Housing Authority, the Roanoke Higher Education Center, Downtown Roanoke, Inc., and Total Action Against Poverty have been invited to provide input.

The City Manager explained that the Outlook Roanoke Plan, which is the Plan for downtown Roanoke that was adopted by Council, included a recommendation that the First Street Bridge be vehicular and was supported by Downtown Roanoke, Inc. She advised that when the Gainsboro Parking Garage was constructed in 2000, the facility was constructed in such a way that it was assumed when the First Street Bridge was renovated or replaced, it would be pedestrian only, otherwise, the parking garage would not have been sited in its current fashion. She stated that the original plan that was adopted in 1999 assumed that it would be a pedestrian bridge; bridge design in approximately mid-year 2000 called for a pedestrian bridge, but because the Outlook Roanoke Plan was underway at the time, the then sitting Council suggested that no decision be made regarding the bridge until after the Outlook Roanoke Plan was completed; and, following completion, the Outlook Roanoke Plan called for the First Street Bridge to be vehicular. She stated that membership of the current Martin Luther King Committee includes not only the original MLK Committee that was developed several years ago, but when the Committee was reconstituted, stakeholders of all of the various organizations and entities that are located in that section of the Gainsboro community were included. She added that the original recommendation of the Committee was that the bridge should be pedestrian in keeping with the original thinking and planning; however, when the Committee learned that Federal funds which Congressman Goodlatte was successful in securing on behalf of the City could not be used if the bridge remained pedestrian only, the Committee then agreed to support a vehicular bridge, with the understanding that there would be occasions for special events or activities when the bridge could be closed and bollards could be used at either end to eliminate the possibility of vehicular traffic.

Components of the Martin Luther King Memorial were discussed, such as inlaid medallions at each end of the bridge, audio-visual stations located along the bridge in the walkway, observation platforms that extend to the edge of the overlook, benches, trash receptacles, park lighting and park landscaping, and the stair-elevator tower.

Question was raised with regard to the proposed bronze statue of Dr. King; whereupon, Rolanda B. Russell, Assistant City Manager for Community Development, advised that Pernella Chubb-Wilson, representing the Southern Christian Leadership Conference, has shared information with the King family, and following approval of the recommendations by Council, the Dr. Martin Luther King, Jr. Committee will go through the process of obtaining official approval from the King family and initiate a request for proposal for the statue.

There was discussion with regard to how a visitor to the City of Roanoke would know that the facility is a memorial to Dr. King; whereupon, Ms. Russell advised that medallions will be placed on both sides of the bridge and the name of the bridge will be stamped on the pavement.

Question was raised as to whether improvements to the bridge will also offer an opportunity to tell of the involvement by some of Roanoke's citizens in the civil rights movement; whereupon, Ms. Russell advised that the Committee preferred to restrict the improvements to Dr. King; however, there was discussion about an opportunity at some time in the future to talk about the role of civil rights leaders in the Henry Street area, upon completion of the Dr. Martin Luther King Jr. project.

Mr. Wishneff moved that Council approve Alternate B, providing for full Dr. Martin Luther King, Jr. Memorial implementation, with the understanding that the structure will qualify for Federal money, one lane of vehicular traffic, and deletion of the elevator and stairs on the south side of the bridge. The motion was seconded by Mr. Cutler.

The Mayor advised that the area already has vehicular access with or without the First Street Bridge; vehicular traffic has not been allowed on the First Street Bridge for the past four years and there has been no negative impact; the driving issue on the First Street Bridge is how to allow the bridge and those amenities that have been presented today to be the best memorial that the City can create for Dr. Martin Luther King, Jr., and perhaps other civil rights personalities locally, and in order to accomplish the most in terms of a memorial park, it would be wise to dismiss the element of vehicular traffic. He stated that it is not wise and prudent to allow decisions that will affect the City of Roanoke to be solely driven by any Federal monies that may be attached to receipt of the

funds and Council should be concerned with what is going to work best for the City of Roanoke as a community, while taking into consideration the goals and objectives for other components of the area.

Council member Wishneff withdrew his motion and Council Member Cutler withdrew his second to the motion.

Mr. Fitzpatrick moved that Council approve Alternate B with unlimited pedestrian use. The motion was seconded by Dr. Cutler and unanimously adopted.

In view of the previous discussion by Council, the City Manager advised that City staff will submit a recommendation for consideration by Council that will provide greater name identification for the First Street Bridge than the proposed medallions would provide.

Real Estate Tax Abatement Program:

TAXES: Susan S. Lower, Director of Real Estate Valuation, advised that goals of the City's Tax Abatement Program are to encourage renovation of real property, to revitalize aging and deteriorating structures, to improve quality, condition, and appearance of neighborhoods, to encourage home ownership and to reduce the number of multi-family units.

She stated that the rehabilitation program was established in 1981 and revised in 2000 to establish a marketing program, to eliminate conversion of single family to multi-family units, to target historical, conservation and rehab districts and to establish a timeline for rehab completion. She advised that for the fiscal year 2003-2004, there were 242 applicants under the program, 61 commercial parcels, 109 single family parcels and 72 multi-family parcels. By residential neighborhoods, she stated that in 2003-2004, there were 111 rehab properties in Old Southwest, 18 in Gilmer/Melrose/Rugby, 16 in Belmont, and 12 in Hurt Park; and 34 commercial neighborhoods participated in downtown Roanoke, 13 in Old Southwest, three in Gilmer Harrison, three in Grandin Road, and three in Hurt Park.

Ms. Lower reviewed components of the program that are working such as the marketing program, targeting neighborhoods, elimination of conversion of single family to multi-family, 40 to 60 per cent of value, and a time line for completion; and components that are not working, such as the need to educate more neighborhoods, cap assessed values, multi-use buildings, single family restrictions have limitations and buildings >\$5,000.00.

The following is a summary of current guidelines versus proposed guidelines:

Currently the structure must be no less than 25 years old. Under the proposed guidelines, the structure must be no less than 25 years old and for single family structures, it must have an assessed value prior to substantial rehabilitation or renovation, of no more than \$200,000.00.

Currently, the assessed value must be increased no less than 40 per cent. No change is recommended.

Currently, total square footage must not be increased by more than 15 per cent. Under the proposed guidelines, no restrictions are proposed on increasing square footage.

Currently, the structure must be designed for residential use after completion of improvement. No change is proposed.

Currently, residential use shall include single-family dwellings, duplexes, multifamily dwellings, apartments, and townhouses; any property, the use of which is partially residential and partially commercial or industrial shall be treated as residential in its entirety for purposes of this division. Under the proposed guidelines, residential use shall include single-family dwellings, duplexes, multifamily dwelling units, and townhouses; for any property, the use of which is partially residential and partially commercial or industrial, the residential portion must meet the eligibility requirements for residential real property, and the commercial portion must meet the eligibility requirements for commercial or industrial real property; the Department of Real Estate Valuation will determine how to allocate the current assessed value of the property between the residential and the commercial portions prior to the start of the rehabilitation or renovation effort.

Currently, the structure must be improved without increasing the current number of dwelling units. No change is proposed.

Currently, the exemption shall not apply when any existing structure is demolished or razed and a replacement structure is constructed. Under the proposed guidelines, the exemption shall not apply when any existing structure is demolished or razed and a replacement structure is constructed, unless the assessed value of the existing structure is below \$5,000.00; the replacement structure must be a single family home, and must have an assessed value no less than 120 per cent of the median value of dwelling units in the neighborhood; the exemption shall not apply when any structure demolished is a registered Virginia landmark, or is determined by the Department of Historic Resources to contribute to the significance of a registered historic district.

Currently, the structure must be no less than 25 years old. No change is proposed.

Currently, the assessed value must be increased no less than 60 per cent. No change is proposed.

Currently, total square footage must not be increased by more than 15 per cent. Under the proposed guidelines, there are no restrictions on increasing square footage.

Currently, the structure must be designed for commercial or industrial use after completion of improvement. The proposed guidelines provide that the structure be designed for commercial or industrial use after completion of improvement; if an exemption is granted under this Division of the City Code, no other exemption, including those under Divisions 5A and 5B regarding real property located in an enterprise zone, will be granted even if the use changes.

Currently, the exemption shall not apply when any existing structure is demolished or razed and a replacement structure is constructed. No change is proposed.

Currently, the difference in the appraised value of the structure immediately before rehab and immediately after rehab. The proposed guidelines provide for the difference in the appraised value of the structure immediately before rehabilitation, renovation or replacement and immediately after rehabilitation, renovation, or replacement.

Currently, this amount only, on a fixed basis, shall be the exemption, notwithstanding subsequent assessment or reassessment and no change is proposed.

Council Member Wishneff inquired if there is an incentive to encourage citizens to convert from rental to home ownership; whereupon, Ms. Lower responded that the Tax Abatement Program targets those persons whose homes have a value of under \$100,000.00, or 71.3 per cent of the City's housing stock; and a homeowner could purchase a house for \$24,000.00 and apply for rehab, with the goal of having a house valued at \$60,000.00, or more.

The City Manager called attention to other programs that address encouraging home ownership in which funds are made available for down payments and closing costs, etc. She advised that there is an incentive for any type of reduction from multifamily downward by 50 per cent, but insofar as a residential unit being converted into a homeownership unit, the Real Estate Tax Abatement Program would not be the appropriate vehicle; and there may be other options that could be presented to Council for discussion in conjunction with the City's Strategic Housing Plan in October.

There was discussion in regard to why there is a cap for real estate tax abatement; whereupon, it was noted that the Tax Abatement Program is intended for low market value houses in order to provide incentives to increase the value, and the program should not be applied toward a, for example, \$400,000.00 residence simply because the property owner wants to increase the value of the property.

The City Manager advised that the program is targeted toward those structures and populations in the City that are most in need of the Real Estate Tax Abatement Program. She stated that one of the major problems in the Roanoke community, which contributes to rental property as opposed to home ownership, is, due to the age of many homes in the City of Roanoke, they do not come with the amenities that people are looking for when they purchase a home in today's market.

Council Member Wishneff called attention to his difficulty in understanding the down side of encouraging a property owner to convert a \$400,000.00 house to an \$800,000.00 house under the Real Estate Tax Abatement Program, and requested factual information by City staff to address his inquiry.

Following further discussion, question was raised as to whether a public hearing has been held on the proposed Real Estate Tax Abatement Program; whereupon, the City Manager advised that a public hearing is not a legal requirement.

Following further discussion, the Mayor advised that once the Real Estate Tax Abatement Program has been formalized by City staff in terms of any action that the Council will be requested to take, the appropriate information could be transmitted through the Roanoke Neighborhood Advocates organization to neighborhood associations throughout the City advising that the matter will be considered by Council at an evening session, and if there is wide spread opposition or concerns expressed by citizens, Council will review the concerns/opposition and refer the matter back to City staff for further refinement. In addition to disseminating information through the Roanoke Neighborhood Advocates, Mr. Wishneff also suggested that organizations such as the Blue Ridge Housing Development Corporation, Total Action Against Poverty and other housing related organizations receive the same information.

COUNCIL-LEGISLATION: The Mayor expressed appreciation to Congressman Bob Goodlatte for meeting with the Council and for his assistance over the years with regard to Federal issues that have a direct impact on the City of Roanoke and its citizens. He also expressed appreciation to Peter Larkin, Congressman Goodlatte's legislative aid, who was also in attendance, for his able assistance. The Mayor presented Congressman Goodlatte with a poster in recognition of the City of Roanoke's inclusion as one of the most liveable communities by Partners for Liveable Communities, a lapel pin and silver-plated star paper weight with the City's new branding logo inscribed thereon.

Congressman Goodlatte advised of continuing efforts with regard to Interstate 73, which has been delayed primarily because the focus has been on Interstate 81 truck traffic. He called attention to efforts to provide a better connection to the closest localities in major trade markets; i.e.: Winston-Salem, Greensboro, and Charlotte, North Carolina, that would be beneficial to the Roanoke Valley and involves a long term project. He stated that decisions regarding Interstate 81 are being closely monitored, he has expressed strong support for taking action to widen the highway, and has expressed concerns regarding other ideas that have been proposed. He added that he is not against the idea of imposing highway tolls, but tolls that are being examined for the

current proposal are extraordinarily high, therefore, he has urged that the project be scaled back; and separate lanes for cars and trucks, on and off ramps, cloverleafs, fly-aways, etc., would be environmentally damaging and add billions of dollars to the highway project. He advised that the State, notwithstanding the public/private partnership law, should commit funding over a long period of time, even though the State's fiscal circumstances do not allow for major commitments; the goal is to make the interstate highway both competitive and attractive for economic development and the House and the Senate have passed transportation bills.

He stated that funding has been secured for the First Street Bridge, although funding restrictions require a vehicular bridge, and if the bridge is pedestrian only, Federal funds may not be available. He stated that he will continue to look into the matter and hopes to be of assistance to the City. He called attention to continuing efforts to attract people to the area who can help to highlight the technology base that is currently being built in the Roanoke Valley and he commended the New Century Technology Council on its efforts to educate people about the Roanoke area. He stated that \$3 million in grants, direct appropriations and tax credits have been secured for the O. Winston Link Museum and the Roanoke Valley Convention and Visitors Bureau, \$250,000.00 has been secured for the Commonwealth Coach and Trolley Museum, and he is working to ensure that the funds will remain in place as the bill works its way through Congress; and \$500,000.00 has been secured for the Virginian Railway Museum which will not address all of the needs, but will be a start. He added that he has been in contact with the House Transportation Infrastructure Committee to request funds for the Heartland Corridor Project, which has been advocated by Norfolk Southern Railway and will be beneficial to the Roanoke Valley, that involves an east to west intermodal project, working the rail lines to ensure that tunnels have a high enough capacity to handle the higher double deck and higher height of intermodal transport, and also involves certain intermodal facilities, one of which could be located in the Roanoke Valley and would be the first step toward getting some of the trucks off of the highways. He stated that the new air traffic control tower at Roanoke Regional Airport is proposed to be dedicated at the end of the year, this year a \$9.7 million grant was secured to repave and make safety improvements to the east-west runway, and it has been announced that the United States Department of Transportation has awarded \$1 million to the Greater Roanoke Transit Company. He called attention to efforts to work with the General Service Administration to keep the Social Security Administration Offices in the downtown Roanoke area, counter offers have been considered and a final decision should be made in September – October from among locations in both downtown and outside of downtown Roanoke. He advised that the United States Army Corps of Engineers has entered into a contract on the Roanoke River Flood Control Project, which has been at

least 30 years in the making, will be an enhancement of the Roanoke River, includes the greenway as a center piece of the City, and is anticipated to be a four to five year project for Phase I, at a cost of \$14 million of a total \$60 million+ project.

The Mayor advised that keeping the Social Security Administration Offices in downtown Roanoke is of prime concern to the City and the efforts of Congressman Goodlatte on the City's behalf are appreciated. He stated that the City has been as flexible as possible in working with officials at the local level.

With regard to the First Street Bridge, the Mayor advised that Council received an in-depth briefing at its 9:00 a.m. work session and following discussion, Council voted to proceed with a pedestrian option for the bridge, although it is understood that Council's action does not meet the vehicular requirement which is tied to Federal funding. Therefore, he stated that the City would appreciate the ongoing efforts of Congressman Goodlatte in support of the First Street Bridge project.

The City Manager advised that the Senior Vice President of Marketing for Norfolk Southern Corporation will speak at the Regional Leadership Summit to be held on Friday, September 24, 2004, to brief the region on the Heartland Corridor; whereupon, she invited Congressman Goodlatte and Mr. Larkin to attend the meeting if their schedule permits. She further advised that keeping the Social Security Administration Offices in downtown Roanoke is a key issue for the City; and approximately \$900,000.00 has been committed to the City of Roanoke to date for various Homeland Security issues for which the City of Roanoke is most appreciative. She noted that at its 2:00 p.m. meeting, Council will officially recognize those City employees who were called to active duty in the United States military who have now returned from various levels of participation, including service in Iraq, and invited Congressman Goodlatte to attend the meeting.

Council Member Cutler advised that if Norfolk Southern is anxious to solicit public support, i.e.: to have some of the costs of enlarging the tunnels in West Virginia, etc., paid for by the public and become a partnership, the same logic might also apply to a straight running double track from the Shenandoah Valley line to parallel Interstate 81, and cooperate with those persons who would like to see rail passenger service return to western Virginia. He stated that it appears

that Norfolk Southern and private railroad companies, in general, have historically been reluctant to become involved with the public sector due to possibly more regulation or the sharing of certain decision making. He inquired about Federal funding for the Dumas Center; whereupon, Congressman Goodlatte advised that a \$7 million project is anticipated that could involve construction of an auditorium and expansion of the Dumas facility and it is hoped that an announcement will be made in the near future.

Council Members Dowe and Lea expressed appreciation to Congressman Goodlatte for his assistance on behalf of the City of Roanoke to identify Federal funding sources to help the City achieve many of its goals and objectives.

Vice-Mayor Fitzpatrick expressed appreciation to Congressman Goodlatte for his assistance over the years. He advised that the history and heritage of the Roanoke Valley has been transportation-oriented and will continue to be, but the question is how to work collectively to develop that heritage, whether it be intermodal or the Heartland in a part of the national corridor. He called attention to discussions regarding higher education, which is basically the region's largest business, because this area has more college students than any other area in the Commonwealth of Virginia, but following graduation, these young people leave the Roanoke Valley and go elsewhere to find jobs, therefore, there must be a connection between Roanoke's transportation heritage and its young people. He advised that the City of Roanoke owes Congressman Goodlatte a debt of gratitude and asked that he feel free to call on the City whenever the City officials/staff may be of assistance.

The City Manager commended Congressman Goodlatte on his relationship with the City because he personally talks with City representatives when he needs answers or when City representatives need to speak with him on issues that impact the City of Roanoke, which makes the relationship between the Congressman and the City quite unique.

Council Member Cutler advised that the investment that has been made in the O. Winston Link Museum and the Roanoke Valley Convention and Visitors Center is outstanding and the facility has become one of the jewels of downtown Roanoke. He expressed appreciation to Congressman Goodlatte for his efforts on the City's behalf.

BONDS/BOND-ISSUES: The Director of Finance submitted a briefing on the City of Roanoke's fall 2004 Bond Issue. He advised that:

Council authorized the following debt issuance:

Police Building Phase II	\$ 6,670,000.00
Fire/EMS Facilities	4,435,000.00
Downtown West Parking Garages	2,000,000.00
Patrick Henry High School	46,775,000.00
Riverside Center for Research and Technology	5,500,000.00
Civic Center Phase II Expansion	14,300,000.00
Total	\$79,680,000.00

Patrick Henry High School:

Financing assumptions include \$7.5 million
 Literary Fund Loan and potential VPSA Bonds
 Literary Fund Loans/VPSA Interest Rate Subsidies not currently available

Riverside Center for Research and Technology:

Project is private activity related per IRS guidelines
 Application pending with Virginia Small Business Financing Authority for
 allocation of qualified redevelopment bond to avoid issuance of taxable
 bonds

Factors to be considered:

Maximum cash flow needed through fall 2005 totals \$46 million
 Literary Fund loans for partial financing of Patrick Henry High School not
 currently available
 Negative arbitrage is significant (difference between interest paid on
 bonds and interest earned on bond proceeds)
 Interest rate risk for one year

The Director of Finance recommended:

Issue \$46,000,000.00 of the \$79,680,000.00 authorized debt in the
 fall of 2004 versus issuing the total amount.

Approximately \$26,000,000.00 of bond issuance can be extended for one to one and one-half years.

Projected interest savings for fiscal year 2006 would be \$700,000.00–\$750,000.00 (projected using current rates)

Provides flexibility for future Literary Fund Loan or VPSA Interest Rate Subsidy Program

GRANTS: The City Manager introduced a briefing on the City's HUD Policy and Planning for fiscal years 2005–2010.

Frank Baretta, Budget Team Leader, Department of Management and Budget, presented a briefing on HUD Policy and Planning for 2005–2010, with emphasis on refining the City's distribution of CDBG funding.

Mr. Baretta called attention to a recent communication which was sent to the Mayor and Members of Council regarding the new five year Consolidated Plan that is currently being addressed by staff which included priorities and objectives to be considered for the 2005–2010 period. He explained that the City submits a five year plan to HUD and annual update in order to receive CDBG, HOME and ESG grants and of the three, CDBG is by far the largest, providing about \$2.2 million in new funds yearly, HOME provides approximately \$750,000.00 and ESG provides about \$80,000.00.

He advised that the City is in the last year of its current five-year plan; the next plan will begin on July 1, 2005; to start the new plan on time, its priorities and objectives must form the basis of the budgeting cycle that begins two months from now; and draft priorities and objectives were developed through a work group that started with staff and was expanded to include several City residents.

He stated that closely aligned with the City's Consolidated Plan is a policy on HUD funds, which Council adopted in September 2001; among the policy's provisions, CDBG funds are targeted in certain ways; the policy presently directs 15 per cent to economic development (including repayments on a HUD Section 108 loan), 65 per cent to housing, ten per cent to human services, five per cent to neighborhood development and five per cent to planning and administration; and meanwhile, by regulation, HOME funds are all for low/moderate housing and ESG is all for homeless services.

He further stated that the City's HUD funds policy provides flexibility with its CDBG funds; budgeting aims to achieve the target levels, but the City can move funds among the categories, if needed and available and there is a need for more of the CDBG to go to economic and neighborhood development.

He reviewed a slide indicating the City's actual distribution for CDBG last year and funds budgeted to date this year, which reflects the relative high value that the City places on using its CDBG for housing, however, still less CDBG was used for housing than the policy targets.

Mr. Baretta advised that many factors can influence the City's actual distribution of CDBG funds compared to targets; for example, nearly \$400,000.00 in CDBG was shifted to the neighborhood category for the traffic calming efforts in the Southeast By Design project, which was of major importance to residents; another example is that the amount of CDBG funds available each year can vary, so the percentage devoted to the City's annual Section 108 loan payment can vary as overall CDBG funds vary; another example is the unpredictability of applications to be received, while having to avoid leaving funds unprogrammed since HUD has rules against building up unspent funds; and such factors contribute to shifts compared to the City's original targets.

He stated that housing remains by far the City's top priority, with CDBG contributing beyond assistance to low/moderate persons; draft priorities and objectives include \$1.2 million in CDBG incentives for those above the low/moderate income level to renovate deteriorated housing; the City will also seek greater leveraging of its HUD fund from private and other public sources, while supporting infrastructure, commercial and other neighborhood improvements and keep its sights on the other four "focus neighborhoods" and ways that the City can provide assistance, while the bulk of the HUD funds serve the Gainsboro and Gilmer areas; and it is expected that the CDBG distribution under the City's HUD policy will need to be adjusted.

Mr. Baretta reviewed a slide showing the City's current thinking for adjusting the CDBG distribution for the 2005-2010 period; economic development would need to rise to 22.5 per cent; it would then be necessary to create a small category of 0.5 per cent for CDBG Homeless Services which would fund the comprehensive study and annual updates shown in the priorities and objectives received; CDBG Housing funds would remain at the current 57 per cent level actually funded for 2004-2005; with HOME funds, approximately two-thirds of all the City's HUD funds will go for housing; Human Services will stay at its current ten per cent; neighborhood development will rise to ten per cent, primarily as a result of the City's experience in needing funds for infrastructure

needs; it is believed that the Planning/Administration category should be deleted which represent more of a cost classification and should be seen as part of the other categories; and moreover, flexibility is needed to deal with such costs according to the needs of the project within the limits allowed by regulations.

He advised that priorities and objectives that the City is considering for the next five years cover a range of community needs, such as providing incentives to non-low/moderate persons to tackle blighting housing; at the same time, the City must continue to raise the value of low/moderate housing and assist those with special needs; CDBG will also continue to contribute toward the many human services needs of individuals and families; and the City wishes to foster involvement of neighborhood groups, preserve historic places and enhance infrastructure, while assisting businesses.

Looking at tasks ahead, Mr. Baretta advised that the City wishes to broaden public input beyond what has been received through the work group; information will be sent to approximately 400 individuals and agencies with regard to draft priorities and objectives, supplemented by an advertisement in the newspaper and information provided directly to the Roanoke Neighborhood Advocates, and information on the City's website, with the ability for viewers to respond by e-mail; on September 23, 2004, an open-house-style public meeting will be held for interested persons to discuss and comment on the draft; and in November, the budget cycle will begin and in May, 2005 Council will be requested to approve the new five-year plan and associated revisions to the HUD policy.

At 1:50 p.m., the Mayor declared the Council meeting in recess to be reconvened at 2:00 p.m., in the Council Chamber.

At 2:00 p.m., on Tuesday, September 7, 2004, the Council meeting reconvened in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, Virginia, with Mayor C. Nelson Harris presiding.

PRESENT: Council Members Brian J. Wishneff, M. Rupert Cutler, Alfred T. Dowe, Jr., Beverly T. Fitzpatrick, Jr., Sherman P. Lea, Brenda L. McDaniel and Mayor C. Nelson Harris-----7.

ABSENT: None-----0.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

The meeting was opened with a prayer by Vice-Mayor Beverly T. Fitzpatrick, Jr.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Harris.

PRESENTATIONS AND ACKNOWLEDGMENTS:

DECEASED PERSONS: Council Member Dowe offered the following resolution expressing sympathy upon the passing of Mrs. Christine Price Lea, mother of Council Member Sherman P. Lea, on Tuesday, August 17, 2004:

(#36824-090704) A RESOLUTION memorializing the late Christine Price Lea, mother of Council Member Sherman P. Lea.

(For full text of Resolution, see Resolution Book No. 69, Page 89.)

Mr. Dowe moved the adoption of Resolution No. 36824-090704. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

AYES: Council Members Wishneff, Cutler, Dowe, Fitzpatrick, McDaniel, and Mayor Harris-----6.

NAYS: None-----0.

(Council Member Lea abstained from voting.)

The Mayor presented a ceremonial copy of the above referenced measure to Council Member Lea, on behalf of the Lea family.

ACTS OF ACKNOWLEDGEMENT-CITY EMPLOYEES: Mr. Fitzpatrick offered the following resolution recognizing and commending City employees returning from active duty as Army National Guard, Air Force Air National Guard, and Army, Navy, Air Force and Marine Corps Reservists, who served their country during "Operation Iraqi Freedom":

(#36825-090704) A RESOLUTION paying tribute to City employees who have returned from active duty as Army National Guard, Air Force National Guard, and Army, Navy, Air Force and Marine Corps reservists who served their country during "Operation Iraqi Freedom."

(For full text of Resolution, see Resolution Book No. 69, Page 90.)

Mr. Fitzpatrick moved the adoption of Resolution No. 36825-090704. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Wishneff, Cutler, Dowe, Fitzpatrick, Lea, McDaniel, and Mayor Harris-----7.

NAYS: None-----0.

Louie A. Cross, representing reservists employed by the City of Roanoke, expressed appreciation to Council and to the City Manager for previous action taken by the Council to provide full pay and benefits to City employees called to active duty in the Armed Forces.

The Mayor presented a ceremonial copy of the above referenced resolution to the following reservists: Scott E. Bradford (Navy Reserve), Robert P. Campbell (National Guard), Louie A. Cross (Army Reserve), Jeremy Todd Evans (Air Force Reserve), Richard Alden Frantz, III (Army Reserve), Douglas Lynn Hurd (National Guard), Jeffrey P. Jenkins (Army Reserve), Robert A. Johnson (Army Reserve), Darrick A. Jones (Army Reserve), Paul Eric Laprad (Army Reserve), Brian K. McDaniel (Marine Corps Reserve), Maurice Nicholson (National Guard), Joseph E. Orange (Army Reserve), and Daryl W. Songer (Air Force Air National Guard).

PROCLAMATIONS-LIBRARIES: The Mayor presented a proclamation declaring Thursday, September 16, 2004, as Friends of the Library Day.

PROCLAMATIONS-CITY COUNCIL: The Vice-Mayor presented a proclamation declaring September 7, 2004, as C. Nelson Harris Day in recognition of the Mayor's 40th birthday on August 21, 2004.

CONSENT AGENDA

The Mayor advised that all matters listed under the Consent Agenda were considered to be routine by the Members of Council and would be enacted by one motion in the form, or forms, listed on the Consent Agenda, and if discussion is desired, the item will be removed from the Consent Agenda and considered separately.

MINUTES: Minutes of the special meeting of Council held on Tuesday, July 6, 2004; the organizational meeting and the regular meeting of Council held on Tuesday, July 6, 2004, recessed until Friday, July 16, 2004, and recessed until Monday, July 19, 2004; and the regular meetings of Council held on Monday, July 19, 2004, and Monday, August 2, 2004, were before the body.

(For full text, see Minutes on file in the City Clerk's Office.)

Mr. Cutler moved that the reading of the minutes be dispensed with and that the minutes be approved as recorded. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Wishneff, Cutler, Dowe, Fitzpatrick, Lea, McDaniel, and Mayor Harris-----7.

NAYS: None-----0.

AUDITS/FINANCIAL REPORTS-COMMITTEES: Minutes of the Audit Committee meeting, which was held on Monday, August 16, 2004, were before the body.

Topics of discussion:

Internal Audit Reports:

Cash & Inventory Counts
Civic Center Maintenance
Code Enforcement
Data Mining

New Business:

Municipal Auditing Annual Report – June 20, 2004
 Audit Committee Annual Report – June 30, 2004
 Municipal Auditing 2005 Annual Plan

Engagement Letter–Roanoke City Public Schools

Mr. Cutler moved that the Minutes be received and filed. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Wishneff, Cutler, Dowe, Fitzpatrick, Lea, McDaniel, and Mayor Harris-----7.

NAYS: None-----0.

BUSES–COMMITTEES: Minutes of the Greater Roanoke Transit Company Audit Committee meeting which was held on Monday, August 16, 2004, were before the body.

Topics of discussion: Internal Audit Reports, Inventory Count.

Mr. Cutler moved that the Minutes be received and filed. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Wishneff, Cutler, Dowe, Fitzpatrick, Lea, McDaniel, and Mayor Harris-----7.

NAYS: None-----0.

BUDGET–CITY COUNCIL: A communication from the City Manager requesting that Council schedule a public hearing for Monday, September 20, 2004, at 7:00 p.m., or as soon thereafter as the matter may be heard, to consider an adjustment to the City of Roanoke fiscal year 2004–2005 budget, was before the body.

The City Manager advised that each year, the year-end General Fund balance and retained earnings for Internal Service Fund and Enterprise Funds are appropriated for the funding of Capital Maintenance and Equipment Replacement (CMERP) and other necessary items; and a Council report recommending appropriation of additional funds is scheduled to be presented to Council on Monday, September 20, 2004.

It was further advised that pursuant to Section 15.2-2507, Code of Virginia (1950), as amended, a locality may amend its budget to adjust the aggregate amount to be appropriated during the current fiscal year as shown in the current adopted budget, however, any such amendment which exceeds one per cent of total expenditures shown in the adopted budget, or the sum of \$500,000.00, whichever is lesser, must be accomplished by publishing a notice of a meeting and a public hearing.

Mr. Cutler moved that Council concur in the request of the City Manager. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Wishneff, Cutler, Dowe, Fitzpatrick, Lea, McDaniel, and Mayor Harris-----7.

NAYS: None-----0.

COMMITTEES-PERSONNEL DEPARTMENT: A communication from Kenneth S. Cronin, Secretary, Personnel and Employment Practices Commission, advising of the resignation of Tamara S. Asher as a member of the Personnel and Employment Practices Commission, was before Council.

Mr. Cutler moved that the resignation be accepted and that the communication be received and filed. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Wishneff, Cutler, Dowe, Fitzpatrick, Lea, McDaniel, and Mayor Harris-----7.

NAYS: None-----0.

COMMITTEES-FLOOD REDUCTION/CONTROL: A communication from Herbert C. Berding, Jr., tendering his resignation as a member of the Flood Plain Committee, was before Council.

Mr. Cutler moved that the resignation be accepted and that the communication be received and filed. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Wishneff, Cutler, Dowe, Fitzpatrick, Lea, McDaniel, and Mayor Harris-----7.

NAYS: None-----0.

PARKS AND RECREATION-COMMITTEES-YOUTH-LIBRARIES-FIFTH PLANNING DISTRICT COMMISSION: The following reports of qualification were before Council:

C. Nelson Harris, Brenda L. McDaniel and William D. Bestpitch as members of the Roanoke Valley Allegheny Regional Commission, for terms ending June 30, 2006;

Sharon Hicks as a member of the Youth Services Citizen Board, for a tem ending May 31, 2007;
Herbert D. McBride as a member of the Roanoke Public Library Board, for a term ending June 30, 2007; and

Christene A. Montgomery and Sharon L. Stinnette to fill unexpired terms of office on the Parks and Recreation Advisory Board, ending March 31, 2005.

Mr. Cutler moved that the reports of qualification be received and filed. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Wishneff, Cutler, Dowe, Fitzpatrick, Lea, McDaniel, and Mayor Harris-----7.

NAYS: None-----0.

REGULAR AGENDA

PUBLIC HEARINGS:

SCHOOLS–BONDS/BOND ISSUES: Pursuant to action taken by the Council, the City Clerk having advertised a public hearing for Tuesday, September 7, 2004, at 2:00 p.m., or as soon thereafter as the matter may be heard, on a request of the Roanoke City School Board that Council adopt a resolution, or resolutions, approving issuance by the City of Roanoke of its general obligation bond, or bonds, in an amount estimated not to exceed \$1,300,000.00, for the purpose of financing certain capital improvements for Lincoln Terrace Elementary School, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Thursday, August 19, 2004, and Thursday, August 26, 2004.

A communication from George J. A. Clemo, Attorney, advising that on August 16, 2004, at the request of the Roanoke City School Board, Council adopted Resolution No. 36816–081604, authorizing the filing of an application with the Virginia Public School Authority (VPSA) for bond financing of \$1,300,000.00 for capital improvements at Lincoln Terrace Elementary School, and authorizing publication of a notice of public hearing as required by the Public Finance Act before the bonds may be issued; and the VPSA application was filed on August 25, 2004.

Mr. Clemo further advised that no action is required by the Council, other than the holding of a public hearing; and following receipt of the final debt service schedule for the bonds by the VPSA, a final bond resolution will be submitted to Council for consideration at a future Council meeting.

The Mayor inquired if there were persons present who would like to be heard in connection with the matter. There being none, he declared the public hearing closed.

No action was required to be taken by the Council.

PETITIONS AND COMMUNICATIONS:

BUDGET-COMMONWEALTH'S ATTORNEY-GRANTS: A communication from the Commonwealth's Attorney advising that the Victim/Witness Assistance Program was awarded a 12 month, \$107,201.00 grant (No. 05-K8554VW04) for July 2004 through June 2005 by the Department of Criminal Justice Services (DCJS), which will allow the Victim/Witness Assistance Program to continue to provide comprehensive information and direct services to crime victims and witnesses, in accordance with the Virginia Crime Victim and Witness Rights Act; and the Victim/Witness Program continues to operate with a full-time coordinator for the Circuit Court, one full-time assistant for the Juvenile and Domestic Relations Court and one full-time assistant for the General District Court.

It was further advised that the Victim/Witness Program is coordinated by the Office of the Commonwealth's Attorney, at a cost to the City of \$25,671.00 as a local cash match, for a total grant budget of \$132,872.00; and the local cash match is equal to that of fiscal year 2003-2004 and is included in the General Fund fiscal year 2004-2005 adopted budget in the Transfers to Grant Fund Account.

The Commonwealth's Attorney recommended that Council accept Victim/Witness Grant No. 05-K8554VW04, in the amount of \$107,201.00, with the City of Roanoke providing \$25,671.00 as a local cash match from monies provided in the Transfers to Grant Fund Account in the fiscal year 2004-2005 budget, for a total grant of \$132,872.00; authorize the City Manager to execute all appropriate documents to be approved as to form by the City Attorney; that Council appropriate funds totaling \$132,872.00 and increase corresponding revenue estimates in accounts established by the Director of Finance in the Grant Fund; and transfer \$25,671.00 from the General Fund Transfers to Grant Fund Account No. 001-250-9310-9535 to a Grant Fund account to be established by the Director of Finance.

A communication from the City Manager concurring in the recommendation of the Commonwealth's Attorney was also before Council.

Mr. Fitzpatrick offered the following budget ordinance:

(#36826-090704) AN ORDINANCE to appropriate funding for the Victim Witness Program Grant, amending and reordaining certain sections of the 2004-2005 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 69, Page 91.)

Mr. Fitzpatrick moved the adoption of Ordinance No. 36826-090704. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Wishneff, Cutler, Dowe, Fitzpatrick, Lea, McDaniel, and Mayor Harris-----7.

NAYS: None-----0.

Mr. Fitzpatrick offered the following resolution:

(#36827-090704) A RESOLUTION authorizing the acceptance of a grant made to the City of Roanoke by the Commonwealth of Virginia Department of Criminal Justice Services for a Victim/Witness Assistance Program and authorizing the execution and filing by the City Manager of the conditions of the grant and other grant documents in a form approved by the City Attorney.

(For full text of Resolution, see Resolution Book No. 69, Page 92.)

Mr. Fitzpatrick moved the adoption of Resolution No. 36827-090704. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Wishneff, Cutler, Dowe, Fitzpatrick, Lea, McDaniel, and Mayor Harris-----7.

NAYS: None-----0.

REPORTS OF OFFICERS:

CITY MANAGER:

ITEMS RECOMMENDED FOR ACTION:

BUDGET-GRANTS-EMERGENCY MEDICAL SERVICES: The City Manager submitted a communication advising that the Virginia Department of Health, Office of Emergency Medical Services, administers a Rescue Squad Assistance Fund (RSAF) grant program which is awarded twice annually; and Roanoke Fire-EMS applied in March 2004 for the grant in order to purchase Ford Type III Ambulance and Training equipment, which will help the department to meet Commonwealth of Virginia Accreditation requirements.

It was further advised that in July 2004, the State Office of Emergency Medical Services awarded Roanoke Fire-EMS a grant of \$40,982.00 for the above referenced project, requiring a \$53,155.00 local match; sufficient matching funds for the grant are budgeted in two accounts; and action by Council is needed to formally accept and appropriate the funds and to authorize the Director of Finance to establish revenue estimates and appropriate accounts to purchase the equipment and supplies in accordance with provisions of the grant.

The City Manager recommended that Council authorize acceptance of the grant and appropriate State grant funds of \$40,982.00, with a corresponding revenue estimate, in accounts to be established by the Director of Finance in the Grant Fund; transfer the local match of \$53,155.00 from the Fleet Management Fund and the Local Match Funding for Grants Fund to the Grant Fund account; and authorize the City Manager to execute the required grant agreements to be approved as to form by the City Attorney.

Mr. Dowe offered the following budget ordinance:

(#36828-090704) AN ORDINANCE to appropriate funding for the Rescue Squad Assistance Fund Grant, amending and reordaining certain sections of the 2004-2005 Fleet and Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 69, Page 93.)

Mr. Dowe moved the adoption of Ordinance No. 36828-090704. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

AYES: Council Members Wishneff, Cutler, Dowe, Fitzpatrick, Lea, McDaniel, and Mayor Harris-----7.

NAYS: None-----0.

Mr. Dowe offered the following resolution:

(#36829-090704) A RESOLUTION authorizing the acceptance of the Rescue Squad Assistance Fund ("RSAF") Grant made to the City of Roanoke by the Virginia Department of Health, Office of Emergency Medical Services, and authorizing the execution and filing by the City Manager of the conditions of the grant and other grant documents approved as to form by the City Attorney.

(For full text of Resolution, see Resolution Book No. 69, Page 94.)

Mr. Dowe moved the adoption of Resolution No. 36829-090704. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

AYES: Council Members Wishneff, Cutler, Dowe, Fitzpatrick, Lea, McDaniel, and Mayor Harris-----7.

NAYS: None-----0.

JUVENILE CORRECTION FACILITIES-BUDGET-GRANTS-YOUTH: The City Manager submitted a communication advising that the City of Roanoke has received notification that an application for funds under the Juvenile Accountability Block Grant (JABG) One Time Special Funding Initiative has been reviewed and approved by the Virginia Department of Criminal Justice Services (DCJS); funding will be used to provide equipment and supplies to a volunteer task force, which has been established under the Director of Social/Human Services to consider the City of Roanoke's Comprehensive Strategy for Juvenile Offenders; and the goal of the Task Force is to study the City of Roanoke's current system for juvenile offenders and to make recommendations for a more comprehensive and appropriate response to juvenile offender needs.

The City Manager further advised that the approved amount of the One Time Special Funding Initiative (\$8,333.00) is available on a reimbursement basis only; and funds must be expended or obligated during the award period between September 1 and December 31, 2004.

The City Manager recommended that Council adopt a resolution accepting the \$8,333.00 in JABG Special One Time Funding Initiative from the Virginia Department of Criminal Justice Services, Application No. 04-JBOT-28, for the City of Roanoke's Comprehensive Strategy for Juvenile Offenders; authorize the City Manager to execute the required grant acceptance, and any other forms required by the Department of Criminal Justice Services; appropriate \$8,333.00 in accounts to be established by the Director of Finance in the Grant Fund, and adopt a revenue estimate of the same amount.

Mr. Cutler offered the following budget ordinance:

(#36830-090704) AN ORDINANCE to appropriate funding for the Juvenile Accountability Block Grant One Time Special Funding Initiative, amending and reordaining certain sections of the 2004-2005 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 69, Page 95.)

Mr. Cutler moved the adoption of Ordinance No. 36830-090704. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Wishneff, Cutler, Dowe, Fitzpatrick, Lea, McDaniel, and Mayor Harris-----7.

NAYS: None-----0.

Mr. Cutler offered the following resolution:

(#36831-090704) A RESOLUTION authorizing acceptance of Juvenile Accountability Block Grant One Time Special Funding Initiative funds from the Virginia Department of Criminal Justice Services on behalf of the City, authorizing execution of any and all necessary documents to comply with the terms and conditions of the grant and applicable laws, regulations, and requirements pertaining thereto.

(For full text of Resolution, see Resolution Book No. 69, Page 96.)

Mr. Cutler moved the adoption of Resolution No. 36831-090704. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Wishneff, Cutler, Dowe, Fitzpatrick, Lea, McDaniel, and Mayor Harris-----7.

NAYS: None-----0.

POLICE DEPARTMENT-BUDGET-GRANTS: The City Manager submitted a communication advising that Congress has appropriated funds for continuation of the Local Law Enforcement Block Grant (LLEBG) for the period of October 1, 2004, through September 30, 2006, to be administered by the Bureau of Justice the Assistance and the U. S. Department of Justice; the purpose of the program is to provide funds to units of local government to underwrite projects designed to reduce crime and to improve public safety; the City of Roanoke has been awarded \$51,017.00; grant conditions require a local match amount of \$5,669.00, for a program total of \$56,686.00; and the award is significantly less than awards in previous years due to budget cuts to the program, however, the award renews Roanoke's LLEBG grant program for the eighth consecutive year.

It was further advised that grant funds must be used for: (1) payment of overtime to presently employed law enforcement officers for the purpose of increasing the number of hours worked by such personnel, and (2) procuring equipment, training and other materials directly related to basic law enforcement functions, police bicycle patrol, directed at specific/problem areas or neighborhoods, will be continued through the program; grant funds become available only after a public hearing has been held by Council and an LLEBG program advisory committee meeting has been conducted by the Police Department; and the public hearing and LLEBG advisory committee meeting must be conducted prior to October 13, 2004.

It was further advised that the LLEBG program requires that all grant funds (\$51,017.00) be placed in an interest bearing account; based on interest earned during the past year of LLEBG funding, interest earnings of \$750.00 are anticipated for the grant; and the local cash match of \$5,669.00 is available in the Police Department's State Asset Forfeiture account.

The City Manager recommended that Council accept the Local Law Enforcement Block Grant (LLEBG) of \$51,017.00 from the Bureau of Justice Assistance, with the Police Department providing \$5,669.00 as a local cash match from State Asset Forfeiture Account No. 035-640-3302-2149, and \$750.00 in anticipated interest earnings; authorize the City Manager to execute the grant agreement and any related documents, subject to approval as to form by the City Attorney; and appropriate \$57,436.00 and establish corresponding revenue estimates in accounts to be established by the Director of Finance in the Grant Fund, as follows:

Overtime	\$53,354.00
FICA	<u>4,082.00</u>
Total	\$57,436.00

Ms. McDaniel offered the following budget ordinance:

(#36832-090704) AN ORDINANCE to appropriate funds for the Local Law Enforcement Block Grant, amending and reordaining certain sections of the 2004-2005 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 69, Page 97.)

Ms. McDaniel moved the adoption of Ordinance No. 36832-090704. The motion was seconded by Mr. Lea and adopted by the following vote:

AYES: Council Members Wishneff, Cutler, Dowe, Fitzpatrick, Lea, McDaniel, and Mayor Harris-----7.

NAYS: None-----0.

Ms. McDaniel offered the following resolution:

(#36833-090704) A RESOLUTION authorizing the acceptance of the Local Law Enforcement Block Grant offer made by the Bureau of Justice Assistance and authorizing the execution of any required documentation on behalf of the City, in a form approved by City Attorney.

(For full text of Resolution, see Resolution Book No. 69, Page 98.)

Ms. McDaniel moved the adoption of Resolution No. 36833-090704. The motion was seconded by Mr. Wishneff and adopted by the following vote:

AYES: Council Members Wishneff, Cutler, Dowe, Fitzpatrick, Lea, McDaniel, and Mayor Harris-----7.

NAYS: None-----0.

BUDGET-GRANTS-FDETC: The City Manager submitted a communication advising that the City of Roanoke is the grant recipient for Workforce Investment Act (WIA) funding, thus, Council must appropriate funds for all grants and other monies received in order for the Western Virginia Workforce Development Board to administer WIA programs; and the Western Virginia Workforce Development Board administers the Federally funded Workforce Investment Act (WIA) for Area 3, which encompasses the Counties of Alleghany, Botetourt, Craig, Franklin and Roanoke, and the Cities of Covington, Roanoke, and Salem.

It was further advised that WIA funding is intended for four primary client populations:

- Dislocated workers who have been laid off from employment through no fault of their own;
- Economically disadvantaged individuals as determined by household income guidelines defined by the U. S. Department of Labor;
- Youth who are economically disadvantaged, or have other barriers to becoming successfully employed adults; and
- Businesses in need of employment and job training services.

It was explained that the Western Virginia Workforce Development Board has received a Notice of Obligation from the Virginia Employment Commission allocating \$77,857.00 for the Adult Program, which serves economically disadvantaged persons; \$113,884.00 for the Dislocated Worker Program, which serves persons laid off from employment through no fault of their own; \$192,069.00 for the Youth Program, which serves economically disadvantaged youth in Program Year 2004 (July 1, 2004 - June 30, 2006); and the Western Virginia Workforce Development Board has received an NOO (Nature of Obligation) from the Virginia Employment Commission adjusting the allocation for Program Year 2003 (July 1, 2003 - June 30, 2005) which decreases the Adult Program allocation by \$2,374.00 and increases the Dislocated Worker Program by \$70.00.

The City Manager recommended that Council appropriate Western Virginia Workforce Development Board Workforce Investment Act funding of \$383,810.00 and establish corresponding revenue estimates in accounts to be established in the Grant Fund by the Director of Finance; and decrease Program Year 2003 Adult Program appropriations and revenue accounts by \$2,374.00 and increase Program Year 2003 Dislocated Worker Program appropriations and revenue accounts by \$70.00.

Mr. Cutler offered the following budget ordinance:

(#36834-090704) AN ORDINANCE to appropriate funding for the fiscal year 2005 Workforce Investment Act Grant and to de-appropriate funding for the fiscal year 2004 Grant, amending and reordaining certain sections of the 2004-2005 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 69, Page 99.)

Mr. Cutler moved the adoption of Ordinance No. 36834-090704. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

AYES: Council Members Wishneff, Cutler, Dowe, Fitzpatrick, Lea, McDaniel, and Mayor Harris-----7.

NAYS: None-----0.

BUDGET-HUMAN DEVELOPMENT: The City Manager submitted a communication advising that the Virginia Institute for Social Service Training Activities (VISSTA) program provides valuable training classes for local Department of Social Services staff, including social workers, eligibility workers, supervisors and administrative staff, as well as training for local Department of Social Services approved or State licensed child care providers; training events enhance the knowledge and skills of staff and child care providers, such that vulnerable children, adults and families are effectively assisted in obtaining an appropriate level of safety and self-sufficiency; the Virginia Department of Social Services grants funds to Virginia Commonwealth University (VCU) for operation of five VISSTA Area Training Centers throughout the Commonwealth; and the City of Roanoke Department of Social Services has received an annual sub-award for local supervision and operation of the Piedmont Area Training Center since 1998.

It was further advised that the current budget for the program is \$344,000.00, with the actual sub-award amount being \$401,691.00, which includes funding for an additional training assistant position that is needed due to the Virginia Department of Social Services Policy Training being added to VISSTA's responsibilities, and is issued on a cost reimbursable basis.

The City Manager recommended that she be authorized to accept the \$401,691.00 sub-award from Virginia Commonwealth University, and to execute the Sub-award Agreement and any other required documents, all documents to be subject to approval by the City Attorney; and that the Director of Finance be authorized to increase the revenue estimate for VISSTA Account No. 001-110-1234-0671, in the amount of \$57,691.00, and appropriate funds to the following accounts:

001-630-5318-2020 (VISSTA Telephone)	\$2,000.00
001-630-5318-2075 (VISSTA Printing)	2,000.00
001-630-5318-2160 (VISSTA Postage)	1,500.00
001-630-5318-2066 (VISSTA Program Activities)	18,932.00
001-630-5318-1002 (Regular Employee Salaries)	25,363.00
001-630-5318-1120 (FICA)	1,940.00
001-630-5318-1105 (City Retirement)	2,283.00
001-630-5318-1125 (Hospitalization Insurance)	3,300.00
001-630-5318-1130 (Life Insurance)	289.00
001-630-5318-1131 (Disability Insurance)	84.00
	<hr/>
	\$57,691.00

Mr. Fitzpatrick offered the following budget ordinance:

(#36835-090704) AN ORDINANCE to appropriate funding for the Virginia Institute for Social Service Training Activities (VISSTA), amending and reordaining certain sections of the 2004-2005 General Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 69, Page 101.)

Mr. Fitzpatrick moved the adoption of Ordinance No. 36835-090704. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Wishneff, Cutler, Dowe, Fitzpatrick, Lea, McDaniel, and Mayor Harris-----7.

NAYS: None-----0.

Mr. Fitzpatrick offered the following resolution:

(#36836-090704) A RESOLUTION authorizing the City Manager to execute a subaward agreement with Virginia Commonwealth University for local supervision and operation of the Virginia Institute for Social Service Training Activities ("VISSTA") Piedmont Area Training Center, upon certain terms and conditions.

(For full text of Resolution, see Resolution Book No. 69, Page 102.)

Mr. Fitzpatrick moved the adoption of Resolution No. 36836-090704. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Wishneff, Cutler, Dowe, Fitzpatrick, Lea, McDaniel, and Mayor Harris-----7.

NAYS: None-----0.

REFUSE COLLECTION: The City Manager submitted a communication advising that on August 1, 2001, the Virginia Waste Management Board of Regulations issued document SNR.DEQ014 which required every municipality or region to prepare an updated Solid Waste Management Plan to be presented to the Department of Environmental Quality on or about July 1, 2004; the Virginia Department of Environmental Quality facilitates solid waste management planning throughout the State, which planning efforts are useful in tracking and managing solid waste, promoting recycling and preventing long term problems such as soil and water contamination; and Council adopted Roanoke's first and only Solid Waste Management Plan in 1991, pursuant to Resolution No. 30619; and to a large degree, the goals of the Plan have been met.

It was further advised that the Code of Virginia authorizes the Solid Waste Management Board to promulgate regulations relating to the management of solid waste requiring that all Plans be submitted to DEQ for approval; City staff has led development of a draft Solid Waste Management Plan for the City of Roanoke; the final draft of the Plan, for which the Vision Comprehensive Plan has provided guidance, accounts for a number of changes that Roanoke's Solid Waste Management division has instituted in recent years; the Plan also acknowledges Roanoke's excellent recycling rate which exceeds the state-mandated 25 per cent threshold; and on August 16, 2004, Council held a public hearing at which time public comment on the Plan was solicited and no comments were made by the public at that time.

The City Manager recommended that Council adopt the City of Roanoke's Solid Waste Management Plan and authorize submittal of the Plan to the Virginia Department of Environmental Quality for approval.

Mr. Cutler offered the following resolution:

(#36837-090704) A RESOLUTION regarding the adoption of a Solid Waste Management Plan for the City of Roanoke.

(For full text of Resolution, see Resolution Book No. 69, Page 102.)

Mr. Cutler moved the adoption of Resolution No. 36837-090704. The motion was seconded by Mr. Dowe.

Council Member Cutler inquired about the recycling of green and brown glass which is currently taken to Cycle Systems on an individual basis, and requested that City staff review viable options to recycling.

The City Manager advised that under the new contract with Cycle Systems, the City reached the zero-floor price for recycling in August, 2004, thus avoiding the payment of recycling fees for the month of August; and required tonnage for the zero-floor price is 225 tons, the City of Roanoke recycled 233 tons in August and saved \$10,447.00 in disposal fees.

Dr. Cutler spoke in favor of merging recycling efforts with Roanoke County; whereupon, the City Manager called attention to discussions with the County Administrator regarding the possibility of collecting trash on the same day on those streets that have both City and County residents, and Roanoke County has expressed an interest in the proposal.

Vice-Mayor Fitzpatrick suggested that an article be published in the Roanoke Citizen magazine advising citizens as to the amount of money that was saved by the City on recycling in August, in an effort to help citizens to understand how recycling saves the City money. He spoke in support of regional recycling.

Resolution No. 36837-090704 was adopted by the following vote:

AYES: Council Members Wishneff, Cutler, Dowe, Fitzpatrick, Lea, McDaniel, and Mayor Harris-----7.

NAYS: None-----0.

BRIDGES-STATE HIGHWAYS-TRAFFIC: In view of certain action taken by the Council at its 9:00 a.m. work session, the City Manager withdrew a communication which was previously placed on the agenda recommending that Council adopt a resolution endorsing the improvement of the First Street Bridge, agreeing to pay the 20 per cent match to Federal funds (\$497,000.00) and agreeing to reimburse the Virginia Department of Transportation for the total amount of costs expended by VDOT if the City subsequently elects to cancel the project.

Council Member Wishneff advised that at the 9:00 a.m. work session, Council unanimously adopted a motion to renovate the existing First Street Bridge as a pedestrian only bridge, to continue ongoing efforts with Congressman Goodlatte to obtain Federal funds for a pedestrian only bridge, and to move forward with a memorial project to honor Dr. Martin Luther King, Jr.

HOUSING/AUTHORITY-GRANTS: The City Manager submitted a communication advising that historically, the Roanoke Redevelopment and Housing Authority (RRHA) has administered a variety of housing programs for the

City of Roanoke using Community Development Block Grant (CDBG) and HOME Investment Partnerships Program (HOME) funds; on May 13, 2004, Council authorized the RRHA's 2004-2005 housing activities by Resolution No. 36695-051304, which approved the City's 2004-2005 Annual Update to the Consolidated Plan for submission to the U. S. Department of Housing and Urban Development (HUD); Council accepted the 2004-2005 CDBG and HOME funds on June 21, 2004, pursuant to Ordinance No. 36719-062104 and Resolution No. 36720-062104, pending approval from HUD; and grant agreements with HUD have since been signed.

It was further advised that in order for the RRHA to conduct housing activities approved in the Consolidated Plan, authorization by Council to execute an agreement with the RRHA is needed; necessary CDBG and HOME funding is available in certain accounts; under the proposed agreement, a total of \$721,930.00 is being provided to the RRHA for owner and tenant-occupied housing rehabilitation activities that will primarily serve the Gainsboro area which, along with the Gilmer area, are the next neighborhoods to receive targeted CDBG and HOME funding; the Agreement provides that limited repair services for the elderly and emergency assistance may be provided to both neighborhoods; the Agreement contains a mutual indemnification clause in which both parties agree to indemnify the other for damages and expenses incurred as a result of the other party's conduct; and the effect of the clause is that, in certain circumstances, the City would waive its defense of sovereign immunity.

The City Manager recommended that she be authorized to execute the 2004-2005 CDBG/HOME Agreement with the Roanoke Redevelopment and Housing Authority, to be approved as to form by the City Attorney.

Mr. Dowe offered the following resolution:

(#36838-090704) A RESOLUTION authorizing the appropriate City officials to execute the 2004-2005 Community Development Block Grant and HOME Investment Partnership Program Agreement with the Roanoke Redevelopment and Housing Authority to conduct the housing activities approved in the Consolidated Plan, upon certain terms and conditions.

(For full text of Resolution, see Resolution Book No. 69, Page 104.)

Mr. Dowe moved the adoption of Resolution No. 36838-090704. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Wishneff, Cutler, Dowe, Fitzpatrick, Lea, McDaniel, and Mayor Harris-----7.

NAYS: None-----0.

BRIDGES-NORFOLK SOUTHERN COPORATION: The City Manager submitted a communication advising that the proposed reconstruction of the First Street Bridge over the railroad tracks will require the relocation of Norfolk Southern Railway Company's (Railway) signal system; negotiations with the Railway have been completed and the City is ready to execute an agreement; estimated cost of relocation and force account work totals \$147,190.00, and funding is available in First Street Bridge, Account No. 008-052-9574.

The City Manager recommended that she be authorized to execute the agreement with Norfolk Southern Railway Company, to be approved as to form by the City Attorney, as executed by the Railway.

Mr. Dowe offered the following ordinance:

(#36839-090704) AN ORDINANCE authorizing the City Manager to enter into an agreement between the City of Roanoke and Norfolk Southern Railway Company ("Railway") to provide for relocation of a portion of the Railway's signal system attached to the First Street Bridge, upon certain terms and conditions, and dispensing with the second reading of this ordinance by title.

(For full text of Ordinance, see Ordinance Book No. 69, Page 105.)

Mr. Dowe moved the adoption of Ordinance No. 36839-090704. The motion was seconded by Ms. McDaniel and adopted by the following vote:

AYES: Council Members Wishneff, Cutler, Dowe, Fitzpatrick, Lea, McDaniel, and Mayor Harris-----7.

NAYS: None-----0.

CITY CODE-HUMAN DEVELOPMENT COMMITTEE: The City Manager submitted a communication advising that Section 17-14, Code of the City of Roanoke (1979), as amended, requires that a Human Resources Advisory Board be established to interest itself in matters pertaining to the public local Social Services Department and to monitor the formulation and implementation of public assistance and social services programs; the Human Resources Advisory Board is also required by State statute; and Section 2-301 of the City Code establishes the Human Services Committee which is designed to make recommendations to Council regarding the distribution of City Human Services funds to local charitable organizations.

It was further advised that the Human Resources Advisory Board meeting has not been well attended by members in recent years; the purpose of the Advisory Board has been unclear, and activities of the Department of Social Services are so tightly regulated that responsibilities of the Advisory Board are very limited; the Human Services Committee is active from January through April each year to make recommendations for distribution of City Human Services funds; combining the two committees into one nine member Board, to be named the Human Services Advisory Board, would be more effective and would fulfill the purpose and duties of both the Human Resources Advisory Board and the Human Services Committee; such action would also meet the requirements of the Code of Virginia; and membership of the Human Services Advisory Board would consist of the current active members of the Human Resources Advisory Board and the Human Services Committee.

The City Manager recommended that Section 2-301, Code of the City of Roanoke (1979), as amended, be amended, to eliminate the Human Services Committee and amend Section 17-14 of the City Code to rename the Human Resources Advisory Board, the Human Services Advisory Board, and to add the duties of the Human Services Committee to the duties of the Human Services Advisory Board; and appoint members of the Human Services Committee to the Human Services Advisory Board, as follows: for terms of two years – Pam Kestner-Chappelear and Frank Feather, for a term of three years – H. Clark Curtis; and for a term of four years – Randy Leftwich and Corinne Gott as a new member.

Mr. Fitzpatrick offered the following ordinance:

(#36840-090704) AN ORDINANCE amending §2-297, Established; repealing §2-301, Human Services Committee, of Article XIV, Boards, Authorities, Commissions and Committees, and amending §17-20, Functions, powers and duties, of Article II, Advisory Board of Human Resources, of Chapter 2, Administration, of the Code of the City of Roanoke (1979), as amended, abolishing the Human Services Committee; consolidating the functions, powers and duties of the former Committee with those of the Advisory Board; changing the name of the Advisory Board; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 69, Page 106.)

Mr. Fitzpatrick moved the adoption of Ordinance No. 36840-090704. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Wishneff, Cutler, Dowe, Fitzpatrick, Lea, McDaniel, and Mayor Harris-----7.

NAYS: None-----0.

DIRECTOR OF FINANCE:

AUDITS/FINANCIAL REPORTS: The Director of Finance submitted the Financial Report for the City of Roanoke for the month of July 2004.

(For full text, see report on file in the City Clerk's Office.)

Without objection by Council, the Mayor advised that the Financial Report would be received and filed.

REPORTS OF COMMITTEES:

BUDGET-SCHOOLS: A communication from the Roanoke City School Board requesting appropriation of \$1,139,814.00 from the 2004-2005 Capital Maintenance and Equipment Replacement Fund to fund textbook adoptions, administrative technology equipment, surveillance equipment, furniture replacement, a modular building, facility improvements, and repair of a roof, was before Council.

A report of the Director of Finance recommending that Council concur in the request, was before the body.

Mr. Cutler offered the following budget ordinance:

(#36841-090704) AN ORDINANCE to appropriate funding for equipment from the Capital Maintenance and Equipment Replacement Program (CMERP), amending and reordaining certain sections of the 2004-2005 General and School Funds Appropriations and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 69, Page 109.)

Mr. Cutler moved the adoption of Ordinance No. 36841-090704. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

AYES: Council Members Wishneff, Cutler, Dowe, Fitzpatrick, Lea, McDaniel, and Mayor Harris-----7.

NAYS: None-----0.

UNFINISHED BUSINESS: NONE.

INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS:

VIRGINIA MUNICIPAL LEAGUE: Council Member Dowe offered the following resolution designation M. Rupert Cutler as Voting Delegate, Sherman P. Lea as Alternate Voting Delegate, and George C. Snead, Jr., as Staff Assistant at the 2004 Annual Conference of the Virginia Municipal League:

(#36842-090704) A RESOLUTION designating a Voting Delegate and Alternate Voting Delegate for the Annual Business Session and meetings of the Urban Section of the Virginia Municipal League and designating a Staff Assistant for any meetings of the Urban Section.

(For full text of Resolution, see Resolution Book No. 69, Page 110.)

Mr. Dowe moved the adoption of Resolution No. 36842-090704. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

AYES: Council Members Wishneff, Cutler, Dowe, Fitzpatrick, Lea, McDaniel, and Mayor Harris-----7.

NAYS: None-----0.

NATIONAL LEAGUE OF CITIES: Vice-Mayor Fitzpatrick offered the following resolution designating Sherman P. Lea as Voting Delegate and Brian J. Wishneff as Alternate Voting Delegate for the 2004 Annual Business Meeting of the National League of Cities:

(#36843-090704) A RESOLUTION designating a Voting Delegate and Alternate Voting Delegate for the Annual Business Meeting of the National League of Cities.

(For full text of Resolution, see Resolution Book No. 69, Page 111.)

Mr. Fitzpatrick moved the adoption of Resolution No. 36843-090704. The motion was seconded by Ms. McDaniel and adopted by the following vote:

AYES: Council Members Wishneff, Cutler, Dowe, Fitzpatrick, Lea, McDaniel, and Mayor Harris-----7.

NAYS: None-----0.

MOTIONS AND MISCELLANEOUS BUSINESS:

INQUIRIES AND/OR COMMENTS BY THE MAYOR AND MEMBERS OF COUNCIL:

PARKS AND RECREATION-CITY COUNCIL: Council Member Cutler commended the City's Department of Parks and Recreation in connection with a recent tabloid that was included in *The Roanoke Times*, which called specific attention to the City's Urban Forestry Program, entitled "Roanoke in Bloom" and an article on Roanoke Valley watersheds.

CITY COUNCIL-CITY EMPLOYEES: Council Member Dowe recognized former Council Members William Bestpitch, William Carder and Linda Wyatt who served on City Council during the time that Council voted to award full pay and benefits to City employees called to active military duty.

CITY COUNCIL-CITY EMPLOYEES-CITY GOVERNMENT: Vice-Mayor Fitzpatrick commended all City employees who are responsible for maintaining entrances to the City. He called attention to the need to erect signs at entrances to the City indicating that the City of Roanoke is a five time All America City and displaying the City's new branding theme.

SPORTS ACTIVITIES: Council Member Lea extended an invitation to Roanoke's citizens to attend the Fifth Western Virginia Education Classic Football Game to be held on Saturday, September 11, 2004, at Victory Stadium, at which time public safety personnel will be recognized, as well as a local citizen who lost his life during the attack on the Pentagon on September 11, 2001. He expressed appreciation to City staff for their assistance in connection with the upcoming event.

DIRECTOR OF FINANCE-CITY CLERK-CITY ATTORNEY-MUNICIPAL AUDITOR: The Mayor advised that the two year terms of office of William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; Troy A. Harmon, Municipal Auditor; and Mary F. Parker, City Clerk, will expire on September 30, 2004.

Mr. Cutler moved that William M. Hackworth be reappointed as City Attorney; Jesse A. Hall be reappointed as Director of Finance; Troy A. Harmon be reappointed as Municipal Auditor; and Mary F. Parker be reappointed as City Clerk for terms of two years, each, commencing October 1, 2004 and ending September 30, 2006. The motion was seconded by Mr. Dowe and unanimously adopted.

HEARING OF CITIZENS UPON PUBLIC MATTERS: The Mayor advised that Council sets this time as a priority for citizens to be heard and matters requiring referral to the City Manager will be referred immediately for response, recommendation or report to Council.

COMPLAINTS-HOUSING/AUTHORITY-SUBDIVISIONS: Mr. Robert R. Justice, 3659 Peakwood Drive, S. W., spoke with regard to the proposed upscale housing development to be located off Peakwood Drive to be constructed by Len Boone & Associates, and advised that he would like to address the process and not the merits of the project on behalf of himself and his family. He called attention to an announcement on the Roanoke City web site indicating that his next door neighbor intended to sell her house to a real estate developer so that the house could be demolished in order to provide road access to an approximately 50 acre tract of undeveloped land behind his property, which was the first time he had heard about the proposed development. He advised that a neighborhood committee was appointed to review available options and a neighborhood meeting was called to explain the proposed housing development which was attended by a City official who did a creditable job in clarifying details of the City's perspective on the issue. He stated that his purpose in appearing before Council was to point out that this was the first time that there had been any discussion about the project with citizens from the affected neighborhood, although it appears that City officials, including Council, knew about the project since at least May, 2004, and those property owners who will be the most impacted by decisions were left out of the loop. He further stated that regardless of whether or not the process is legal, the neighborhood should not have been the last to find out about the proposed development. He advised that the manner in which the project was handled by the City should be of concern to every property owner in Roanoke, because if this kind of treatment can happen to property owners in his neighborhood, it can also happen to property owners in other sections of the City. He stated that in addition to being a place of comfort and refuge, a person's home is a large capital investment and represents a large portion of their estate, therefore, private developers and City government should not have a license to potentially diminish or destroy this investment. In closing, he stated that he did not wish to cast any doubts on the integrity of any of the parties involved in the project because they acted both legally and with the best intentions of the people involved for the good of the City of Roanoke; however, sometimes good intentions developed in private and cloaked by legality, are not always right for everyone and can sometimes lead to great distress. He strongly recommended that Council review the matter so that past mistakes will not be repeated.

BRIDGES: Mr. E. Duane Howard, 508 Walnut Avenue, S. W., addressed Council in connection with the manner in which business is conducted in the City of Roanoke. He quoted the following excerpt from a sermon delivered by Dr. Martin Luther King, Jr. in 1968 entitled, "The Drum Major Instinct": "Yes, if you want to say that I was a drum major, say that I was a drum major for justice; say that I was a drum major for peace; say that I was a drum major for righteousness, and all of the other shallow things will not matter. I won't have any money to leave behind, I won't have the fine and luxurious things in life to leave behind, but I just want to leave a committed life behind, and that is all I want to say. If I can help someone as I pass along, if I can cheer somebody with a word or a song, if I can show somebody he is traveling wrong, then my living will not be in vain." Mr. Howard inquired if the above words sound as though they came from a man who would want the City of Roanoke to argue and to be divided over how to honor him? He stated that there has been no meaningful public hearing on the proposed First Street Bridge project, and expressed concern with regard to the lack of attendance at meetings by members of the Martin Luther King, Jr. Committee and recommendations were adopted by the Committee without representation by a quorum of its membership. He called attention to opposition by a majority of Roanoke's citizens who have not been allowed to provide input, yet the City proposes to spend over \$2 million of taxpayers' money on the First Street Bridge.

PAY PLAN-CITY EMPLOYEES-HUMAN DEVELOPMENT: Mr. Robert E. Gravely, 729 Loudon Avenue, N. W., advised that the focus of Council should be on the rights of the citizens of Roanoke. He also spoke in regard to an inequitable pay scale among City employees, educating welfare recipients which will lead to a life of self-sufficiency, and caring for Roanoke's elderly population.

BRIDGES: Ms. Helen E. Davis, 35 Patton Avenue, N. E., advised that naming the First Street Bridge in memory of Dr. Martin Luther King, Jr. is not the proper place for a memorial to Dr. King, however, there appears to be a majority ruling by Council to do so. She stated that some persons spoke in favor of also honoring local citizens who played a role in the civil rights movement along with Dr. King; however, she urged that the City exercise caution because to do so could open the door to numerous requests. She stated that the name of Oliver White Hill was mentioned during the Council's 9:00 a.m. briefing; the Gainsboro Southwest Community Organization, the Gainsboro Neighborhood Alliance, and

the Historic Gainsboro Preservation District previously requested Community Development Block Grant funds to be allocated for the Oliver White Hill house located on Gilmer Avenue, the request was denied and City staff indicated that funds may be available at a later date. She suggested that the Hill house be restored and named the Oliver White Hill Civil Rights Museum. She stated that the Martin Luther King, Jr. Committee does not speak for all of the citizens of Roanoke and Council has not solicited the remarks of citizens through a public hearing process. She urged that citizens be allowed to speak with regard to various briefings by City staff at the 9:00 a.m. Council work sessions which could eliminate the necessity to speak at the 2:00 p.m. Council meetings.

Ms. Davis also spoke in support of installing screen doors on the housing units of residents of Lincoln Village and that structural problems associated with the housing units in Lincoln Village be addressed by the appropriate entity.

CITY MANAGER COMMENTS:

VIRGINIA MUNICIPAL LEAGUE-CITY EMPLOYEES-CITY INFORMATION SYSTEMS: The City Manager welcomed back Rolanda Russell, Assistant City Manager for Community Development, who has been on medical leave.

The City Manager advised that the City's new website was activated on Saturday, September 4, 2004, and provides new and improved features.

The City Manager advised that the City of Roanoke will be recognized at the Annual Conference of the Virginia Municipal League on October 3-5, 2004, in Alexandria, Virginia, for the Southeast By Design program.

At 3:40 p.m., the Mayor declared the Council meeting in recess for two Closed Sessions.

At 5:10 p.m., the Council meeting reconvened in the City Council Chamber, with all Members of the Council in attendance, Mayor Harris presiding.

COUNCIL: With respect to the Closed Meeting just concluded, Mr. Fitzpatrick moved that each Member of City Council certify to the best of his or her knowledge that: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act; and (2) only such public business matters as were identified in any motion by which any Closed Meeting was convened were heard, discussed or considered by City Council. The motion was seconded by Mr. Lea and adopted by the following vote:

AYES: Council Members Wishneff, Cutler, Dowe, Fitzpatrick, Lea, McDaniel, and Mayor Harris-----7.

NAYS: None-----0.

OATHS OF OFFICE-COMMITTEES-LIBRARIES: The Mayor advised that there are vacancies on the Roanoke Public Library Board, created by the resignations of B. Gayle Graves and Brenda L. McDaniel, and called for nominations to fill the vacancies.

Mr. Fitzpatrick placed in nomination the names of Lauren Saunders and Owen C. Schultz.

There being no further nominations, Ms. Saunders and Mr. Schultz were appointed as members of the Roanoke Public Library Board, for terms ending June 30, 2007, by the following vote:

FOR MS. SAUNDERS AND MR. SCHULTZ: Council Members Wishneff, Cutler, Dowe, Fitzpatrick, Lea, McDaniel, and Mayor Harris-----7.

OATHS OF OFFICE-COMMITTEES-YOUTH: The Mayor advised that there are vacancies on the Youth Services Citizen Board, created by the resignations of Jamaal Jackson and Clay Wyatt, and called for nominations to fill the vacancies.

Mr. Fitzpatrick placed in nomination the names of JoAnn Edmunds and Sherman P. Lea, Jr.

There being no further nominations, Ms. Edmunds was appointed for a term ending May 31, 2006; and Mr. Lea was appointed to fill unexpired term of Jamaal Jackson ending May 31, 2005, as members of the Youth Services Citizen Board by the following vote:

FOR MS. EDMUNDS AND MR. LEA: Council Members Wishneff, Cutler, Dowe, Fitzpatrick, Lea, McDaniel, and Mayor Harris-----7.

OATHS OF OFFICE-PARKS AND RECREATION-COMMITTEES: The Mayor advised that there is a vacancy on the Parks and Recreation Advisory Board, created by the resignation of Geraldine LaManna, and called for nominations to fill the vacancy.

Mr. Fitzpatrick placed in nomination the name of Roger B. Holnback.

There being no further nominations, Mr. Holnback was appointed as a member of the Parks and Recreation Advisory Board, to fill the unexpired term of Geraldine LaManna, ending March 31, 2007, by the following vote:

FOR MR. HOLNBACK: Council Members Wishneff, Cutler, Dowe, Fitzpatrick, Lea, McDaniel, and Mayor Harris-----7.

OATHS OF OFFICE-COMMITTEES-INDUSTRIES: The Mayor advised that the four year term of office of Charles E. Hunter, III, as a Director of the Industrial Development Authority, will expire on October 19, 2004, and called for nominations to fill the vacancy.

Mr. Fitzpatrick placed in nomination the name of Charles E. Hunter, III.

There being no further nominations, Mr. Hunter was reappointed as a Director of the Industrial Development Authority, for a term ending October 20, 2008, by the following vote:

FOR MR. HUNTER: Council Members Wishneff, Cutler, Dowe, Fitzpatrick, Lea, McDaniel, and Mayor Harris-----7.

COMMITTEES–SOIL CONSERVATION: Mr. Fitzpatrick moved that Broaddus C. Fitzpatrick and John P. Bradshaw, Jr., be nominated for appointment to the Blue Ridge Soil and Water Conservation Board of Directors. The motion was seconded by Mr. Cutler and unanimously adopted.

OATHS OF OFFICE–COMMITTEES–NEIGHBORHOOD ASSOCIATIONS: The Mayor advised that there is a vacancy on the Roanoke Neighborhood Advocates, created by the resignation of Joseph A. Schupp, and called for nominations to fill the vacancy.

Mr. Fitzpatrick placed in nomination the name of Althea Pilkington.

There being no further nominations, Ms. Pilkington was appointed as a member of the Roanoke Neighborhood Advocates, to fill the unexpired term of Joseph A. Schupp, resigned, ending June 30, 2006, by the following vote:

FOR MS. PILKINGTON: Council Members Wishneff, Cutler, Dowe, Fitzpatrick, Lea, McDaniel, and Mayor Harris-----7.

OATHS OF OFFICE–COMMITTEES–HOUSING/AUTHORITY: The Mayor advised that there is a vacancy on the Roanoke Redevelopment and Housing Authority, created by expiration of the term of office of Carolyn S. Bumbry, and called for nominations to fill the vacancy.

Mr. Fitzpatrick placed in nomination the name of Anita Powell.

There being no further nominations, Ms. Powell was appointed as a Commissioner of the Roanoke Redevelopment and Housing Authority, for a term ending August 31, 2008, by the following vote:

FOR MS. POWELL: Council Members Wishneff, Cutler, Dowe, Fitzpatrick, Lea, McDaniel, and Mayor Harris-----7.

There being no further business, the Mayor declared the meeting adjourned at 5:15 p.m.

A P P R O V E D

ATTEST:

Mary F. Parker
City Clerk

C. Nelson Harris
Mayor
